

Statement Of
Scott Jones, Public Relations and Cultural Resources Officer
Of the
Lower Brule Sioux Tribe
Before the
Senate Committee on Indian Affairs
United States Senate
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Mr. Chairman, Committee Members and Guests, good morning. My name is Scott Jones. I am an enrolled member of the Lower Brule Sioux Tribe. I am the Public Information Director and Cultural Resources Officer of that Tribe in Lower Brule, South Dakota.

There are so many issues and problems it is difficult in only six minutes to know where to begin. So, I shall begin with what is most important – the Resource. Whether it's the Missouri River, or gathering areas on open prairie, or Yellowstone National Park or our sacred Medicine Butte. To Native people – not just those from ancient time or those in history books – the natural resource, it's various uses, it's various roles, it's health, remain crucial to the continued survival of our traditional Indian culture.

I would like to address today one specific resource -- the Missouri River. Since the glaciers pulled back some 12,000 years ago, the Missouri River Basin has been continuously occupied by Indigenous Indian cultures. It is sacred to my people because the river gave us life and the ability to sustain life; the river gave us food; the river enabled vast trade routes to be established; the river in recent history enabled the expansion and colonization of this country by the EuroAmerican; and the River as we know it today has become very important to many interests providing trade, energy, flood control, recreation, and irrigation just to mention a few. The River is sacred to my people today.

The EuroAmerican expansion and continuous growth gave way to treaties and laws. This "Law of the Land" set forth compensations for the aboriginal peoples whose land had been taken -- often times illegally. These treaties and laws established trust responsibilities to ensure government agencies treated aboriginal Nations fairly and equally. Many of these treaties and laws set forth protections for our sacred areas and lands that sustained our culture, and some of these laws specifically addressed the rights and management of the Missouri River and the lands that make up her Basin. Please remember that these dams and the lakes they created are not historic – they were created and built in my lifetime. The fulfilling of these trust responsibilities did not offer Native people – particularly those who lived on the River – a role in the creation of this federal monster. But rather, entire Native populations were removed from the safety of their

“reservation” homes, had their farms and gathering areas flooded, their burial grounds flooded or exposed, and their traditional lifeways thrown into turmoil.

The agency responsible for the Operation and Maintenance of this federal monster -- the Army Corps of Engineers, under the Department of the Army – has for the last 50 years appeared to conduct business with the left hand not caring what the right hand is doing. They have been evasive and non-committal in their dealings. More recent Tribally friendly Executive Orders, federal law and amendments to existing federal law have enabled Tribes to force the Army Corps of Engineers to confront specific issues and badger them into creating solutions. Then, only to often having to watch those solutions disappear into the dark hole of a federal file cabinet, never to be acted upon, implemented or considered in any other action.

We are in a new century now. Tribes understand the demands for energy, tribes understand that we are at war with terrorism. Tribes - particularly those who live along the river and specifically my Tribe, The Lower Brule Sioux have consistently asked for participatory rights in decision making on those issues which directly impact and affect us. At this point, we are asking that existing rights under existing law be followed as they should be, as well as asking that consideration of future legislation be inclusive of actual on the ground tribal need.

Some actions I would recommend include the following:

- Develop partnerships which create co-management in areas where both the Corps and Tribes can mutually benefit and save time and money, while at the same time providing greater understanding of the resource
- Ensure participation – real meaningful participation – in meetings on specific issues (EIS, PA’s, EA’s, etc.) with results that actually become working documents and not find their way into the proverbial federal file cabinet.
- Provide oversight from both Congress and senior Dept of Army personnel to make sure the Corps is fulfilling their trust responsibilities and doing their job properly.
- Require the Corps to set aside a small percentage of each project to assist in paying for tribal consultation – the same way they pay for engineers and architects and other consultants.
- Address the River holistically, as the river basin that it is – not as a series of segments, so that planning all of the myriad of actions is more consistent. This would facilitate planning on the river, and allow existing documents to be used in more than one action, thus preventing a reinvention of the wheel with every action.
- End crisis management through the development of memoranda of agreement with each affected Tribe so that management is inclusive and responsibilities can be shared.

- Encourage contracting with Tribes, not outside firms, in areas such as cultural resource work, enforcement and wildlife habitat renewal, water treatment, etc.

Tribes are major stakeholders on the River because of their aboriginal rights, their unique legal and political status, and because their continued survival depends on the health and well being of this sacred River.

It is imperative that you understand that these native resources – every plant, every rock, every tree, our rivers and springs are potentially a required part of a medicine or used in a traditional worship activity. The very fabric of our culture is built with natural material that evolves back into mother earth.

Aboriginal cultures were founded in the natural resource, Euro-American cultures were based upon man made materialistic resources, the laws that we live under today do not recognize nor are they reflective of this fundamental difference.

As I said before, we all recognize the demands of development, of recreation, of flood control, of energy needs. There is no reason to always be at odds. The demands of this century can be met by working together. Working together, we can protect this resource, we can create solutions, we can create jobs on reservations, and we can create ways to manage energy needs and development in a responsible way that will carry us into the future.

Creating organizations such as the Sacred Sites Coalition which acknowledge and accept the Tribal lead, will foster understanding while insuring tribes have an adequate voice to protect American Indian freedom of religion through the preservation of and access to sacred sites, gathering areas and necessary natural resources for the continued vitality of our threatened traditional worship practices and lifeways.

Thank you for the opportunity of coming before you to address these issues.

I would be happy to answer any questions you may have on what I have said. I will submit a more comprehensive written statement for the record later this week.

Thank you.